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41 UNITED STATES DISTRICT COURT  
 42  
 43 NORTHERN DISTRICT OF CALIFORNIA

44 MORTON & BASSETT, LLC, a California limited  
 45 liability company,

46 Plaintiff,

47 v.

48 ORGANIC SPICES, INC., a California  
 49 Corporation,

50 Defendants.

51 ORGANIC SPICES, INC., a California  
 52 Corporation,

53 Counterclaimant,

54 v.

55 MORTON & BASSETT, LLC, a California limited  
 56 liability company,

57 Counterclaim-  
 58 Defendants.

59 CASE NO. 3:15-cv-01849-HSG

60 **PARTIES' JOINT STIPULATION  
 61 TO MODIFY THE SCHEDULE: (1)  
 62 MOTION TO DISMISS HEARING,  
 63 AND (2) COMPLETION OF FACT  
 64 DISCOVERY DEADLINE, AND  
 65 ORDER**

66 Action Filed: April 24, 2015  
 67 Trial Date: November 7, 2016

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Rules 6-1(b) and 6-2 of the Civil Local Rules  
 3 (Civil L.R.), Plaintiff and Counter-Defendant MORTON & BASSETT, LLC (“Morton”) and  
 4 (“Defendant and Counterclaimant ORGANIC SPICES, INC. (“Defendant” or “Organic Spices”)  
 5 (hereinafter collectively “Parties”), stipulate and seek an order from the Court as follows:

6 WHEREAS, the Parties stipulate – subject to Court approval – to two slight  
 7 modifications to the schedule, specifically, (1) to reschedule the Motion to Dismiss hearing to  
 8 occur seven days later, and (2) to reschedule the deadline for completion of fact discovery to  
 9 occur four days, as set forth below:

10 **Request to Move Motion to Dismiss Hearing Date to April 21, 2016 (one week):**

11 WHEREAS, Defendant filed a Motion to Dismiss the First Amended Complaint or  
 12 Alternatively Motion to Strike, and set the hearing for April 14, 2016 (ECF 40);

13 WHEREAS, Defendant’s lead counsel is traveling on April 14, and the Parties are  
 14 completing discovery and scheduling depositions throughout the month of April;

15 WHEREAS, the Parties stipulate for the convenience of the Parties to move the hearing  
 16 one week, from April 14, 2016, to Thursday, April 21, 2016;

17 WHEREAS, the Court does not require the Parties to reserve a hearing date;

18 WHEREAS, according to Hon. Gilliam’s scheduling calendar, the Court’s calendar  
 19 appears to currently have three (3) scheduled hearings on April 21, 2016 (not including this  
 20 hearing); and appears to currently have five (5) scheduled hearings on April 14, 2016 (including  
 21 this hearing);<sup>1</sup>

22 WHEREAS, this request is made no later than fourteen (14) days prior to the hearing  
 23 date, pursuant to L.R. 6-1(b);

24 **Request to Move Close of Discovery to April 22, 2016 (4 days):**

25 WHEREAS, the deadline for completion of fact discovery is currently set for Monday,  
 26 April 18, 2016 (ECF 33);

27 WHEREAS, the Parties stipulate to move the deadline for the completion of fact

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28 <sup>1</sup> Calendar for Judge Haywood S. Gilliam Jr.: <http://12.130.78.145/CEO/cfd.aspx?7151>

1 discovery for four days to Friday, April 22, 2016;

2 WHEREAS, Plaintiff's counsel – located in Los Angeles – intends to be in the San  
3 Francisco area for depositions and the hearing on the Motion to Dismiss at least several days  
4 during the week of April 18-22, 2016;

5 WHEREAS, this request is made no later than fourteen (14) days prior to the hearing  
6 date, pursuant to L.R. 6-1(b);

7 WHEREAS, the only previous time modifications in this case related to the extension of  
8 time for two weeks to complete the Early Neutral Evaluation Conference (ECF 26), and a ten-  
9 day extension of time for the filing of the motion to dismiss (ECF 38).

10 WHEREAS, the Parties do not believe that either of these modifications will have any  
11 adverse impact on the Court's calendar.

12 Dated: March 30, 2016

GORDON & REES LLP

13  
14 By: /s/ Robert P. Andris  
15 Robert P. Andris (SBN: 130290)  
16 Michael D. Kanach (SBN: 271215)  
17 Attorneys for Defendant,  
18 ORGANIC SPICES, INC.

19 Dated: March 30, 2016

20 MEYLAN DAVITT JAIN  
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23 By: /s/ Robert L. Meylan  
24 Robert L. Meylan, Esq.  
25 Shaunt T. Arevian, Esq.  
26 Attorneys for Plaintiff  
27 and Counter-Defendant,  
28 MORTON & BASSETT, LLC

## ORDER

Having reviewed the Parties' Joint Stipulation to Modify the Schedule, and good cause appearing therefore, IT IS HEREBY ORDERED. The parties' stipulation is granted. The hearing for Defendant's Motion to Dismiss the First Amended Complaint will take place on April 21, 2016. The new deadline for the completion of fact discovery will be April 22, 2016.

Dated: March 3, 2016

Haywood S. Gilliam, Jr.  
Honorable Haywood S. Gilliam, Jr.  
United States District Judge

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